

AMENDED IN SENATE SEPTEMBER 7, 2001

AMENDED IN SENATE SEPTEMBER 4, 2001

AMENDED IN SENATE JULY 18, 2001

AMENDED IN SENATE JUNE 28, 2001

AMENDED IN ASSEMBLY MAY 15, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1739

**Introduced by Assembly Member Reyes
(Coauthor: Assembly Member Rod Pacheco)**

May 2, 2001

An act to amend Section 50801.5 of the Health and Safety Code, and to add Section ~~16005~~ 16006 to the Welfare and Institutions Code, relating to age restrictions, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1739, as amended, Reyes. Foster care and emergency housing: age restrictions.

Under existing law, the Department of Housing and Community Development is required to adopt regulations for the administration of the Emergency Housing and Assistance Program. Existing law further provides that, notwithstanding a specified provision of law relating to discrimination, nothing in these provisions shall be construed to preclude a provider of emergency shelter or transitional housing from restricting occupancy on the basis of sex.

This bill would additionally provide that the provisions described above shall not be construed to preclude a provider of emergency shelter or transitional housing from restricting occupancy on the basis of age if certain conditions exist.

Existing law provides for the placement of certain children in foster care, and imposes various licensing and other requirements on the individuals and entities that provide foster care.

This bill would also require the State Department of Social Services to adopt guidelines for the placement of foster youth with specific regard to the age of the caregiver, the age differential between the caregiver and the child, and the ability of the caregiver to exercise proper and effective care and control over the child, and distribute the guidelines to the counties.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares that children
- 2 placed in a licensed or approved foster family home should be in
- 3 the care of persons, whether relatives, nonrelative, extended
- 4 family members, or nonrelative licensed providers, who are of an
- 5 appropriate age, of good moral character, and who are ready, able,
- 6 and willing to provide a safe, secure, and stable environment that
- 7 is in the best interest of the child.
- 8 SEC. 2. Section 50801.5 of the Health and Safety Code is
- 9 amended to read:
- 10 50801.5. (a) The department shall adopt regulations for the
- 11 administration of the Emergency Housing and Assistance
- 12 Program. The regulations shall govern the equitable distribution
- 13 of funds in accordance with the intent and provisions of this
- 14 chapter, and shall ensure that the program is administered in an
- 15 effective and efficient manner. The regulations shall provide for
- 16 reasonable delegation of authority to designated local boards,
- 17 ensure that local priorities and criteria are reasonably designed to
- 18 address the needs of homeless people, and ensure that designated
- 19 local boards meet reasonable standards of inclusiveness,
- 20 accountability, nondiscrimination, and integrity.



1 (b) The regulations adopted pursuant to this section shall
 2 ensure that emergency shelter and services shall be provided on a
 3 first-come, first-served basis for whatever time periods are
 4 established by the shelter. No individual or household may be
 5 denied shelter or services because of an inability to pay. Nothing
 6 in this provision shall be construed to preclude a shelter from
 7 accepting payment vouchers provided through any other public or
 8 private program so long as no shelter beds are reserved beyond
 9 sundown for that purpose. Notwithstanding Section 11135 of the
 10 Government Code, or any other provision of law, nothing in this
 11 section shall be construed to preclude a provider of emergency
 12 shelter or transitional housing from restricting occupancy on the
 13 basis of sex or, in the case of emergency shelter or transitional
 14 housing offered exclusively to persons 24 years of age or younger,
 15 on the basis of age, but only to the extent that the shelter or
 16 transitional housing administrator reasonably believes that these
 17 age restrictions are necessary for the health and safety of the
 18 occupants 24 years of age or younger. However, in the case of
 19 families, providers of emergency shelter or transitional housing
 20 shall provide, to the greatest extent feasible, adequate facilities
 21 within their range of services so that all members of a family may
 22 be housed together, regardless of age and gender.

23 SEC. 3. Section ~~16005~~ 16006 is added to the Welfare and
 24 Institutions Code, to read:

25 ~~16005.~~—

26 16006. (a) The State Department of Social Services shall
 27 develop guidelines, in consultation with Judicial Council, the
 28 County Welfare Directors Association, the California Youth
 29 Connection, and other similar interested organizations, for the
 30 placement of foster youth with specific regard to the age of the
 31 caregiver, the age differential between the caregiver and the child,
 32 and ability of the caregiver to exercise proper and effective care
 33 and control over the child.

34 (b) The department shall distribute these guidelines to the
 35 counties by November 1, 2002.

36 SEC. 4. The Legislature finds and declares that occupancy in
 37 emergency shelters and transitional housing assistance under the
 38 Emergency Housing and Assistance Program established by
 39 Chapter 11.5 (commencing with Section 50800) of Part 2 of
 40 Division 31 of the Health and Safety Code shall not be denied on

1 the basis of age, except to the extent provided in subdivision (b)
2 of Section 50801.5 of the Health and Safety Code.

3 ~~SEC. 5.— No reimbursement is required by this act pursuant to~~
4 ~~Section 6 of Article XIII B of the California Constitution because~~
5 ~~the only costs that may be incurred by a local agency or school~~
6 ~~district will be incurred because this act creates a new crime or~~
7 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
8 ~~for a crime or infraction, within the meaning of Section 17556 of~~
9 ~~the Government Code, or changes the definition of a crime within~~
10 ~~the meaning of Section 6 of Article XIII B of the California~~
11 ~~Constitution.~~

12 ~~SEC. 6.—~~

13 *SEC. 5.* This act is an urgency statute necessary for the
14 immediate preservation of the public peace, health, or safety
15 within the meaning of Article IV of the Constitution and shall go
16 into immediate effect. The facts constituting the necessity are:

17 In order to prohibit, at the earliest possible time, the licensure
18 of inadequately qualified persons to maintain and operate foster
19 family homes, it is necessary that this act take effect immediately.

